Reg. No. KL/TV(N)/[illegible]

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXV] Trivandrum, Friday, 5th December 1980 / 14th Agrahayana 1902 [No. 1019

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 10246|LA4|80. *Dated, Trivandrum, 5th December* 1980.

The Kerala Panchayats (Amendment) Bill, 1980 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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TRIVANDRUM, 1980.

33/4702/MC

THE KERALA PANCHAYATS (AMENDMENT) BILL, 1980

A

BILL

further to amend the Kerala Panchayats Act, 1960

Preamble.—WHEREAS it is expedient further to amend the Kerala Panchayats Act, 1960, for the purposes hereinafter appearing;

BE it enacted in the Thirty-first year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Panchayats (Amendment) Act, 1980.

2. *Amendment of section* 22.—In section 22 of the Kerala Panchayats Act, 1960 (32 of 1960) (hereinafter referred to as the principal Act),—

(1) in sub-section (1),—

(a) the words "and such declaration shall be final" shall be omitted;

(b) in the second proviso, the words "and his decision shall be final" shall be omitted;

(2) in sub-section (4), the sentence "Such declaration shall be final" shall be omitted;

(3) after sub-section (7), the following sub-sections shall be inserted, namely:—

"(8) Any person aggrieved by a declaration or decision or determination made by the Munsiff under this section may, within thirty days from the date of such declaration, decision or determination prefer an appeal to the District Judge having jurisdiction to hear appeals against the decisions of that Munsiff.

(9) Subject to the provisions of this Act and to such rules as may be made in this behalf, the District Judge may dispose of the appeal in accordance with the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the hearing of appeals.".

3. *Amendment of section* 24.—In section 24 of the principal Act,—

(1) in clause (d) of sub-section (1), the words "and such decision shall be final" shall be omitted;

(2) after sub-section (4), the following sub-sections shall be inserted, namely:—

"(5) Any person aggrieved by a decision of the Munsiff made under clause (d) of sub-section (1) may, within thirty days from the date of such decision, prefer an appeal to the District Judge having jurisdiction to hear appeals from the decisions of that Munsiff.

(6) Subject to the provisions of this Act and to such rules as may be made in this behalf, the District Judge may dispose of the appeal in accordance with the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the hearing of appeals.".

STATEMENT OF OBJECTS AND REASONS

According to sub-section (1) of section 22 of the Kerala Panchayats Act, 1960 (32 of 1960), the decision of the Munsiff on an application under sub-section (2) of that section questioning the validity of the election of a member of a panchayat on any of the grounds mentioned in sub-section (1), shall be final. Similarly, clause (d) of sub-section (1) of section 24 of the Act provides that the decision of the Munsiff on a dispute arising as to the validity of the election of the President or the Vice-President shall be final. There is, at present, no provision in the Act for an appeal against a decision of the Munsiff under the above sections. Such decisions can therefore be challenged only before the High Court by resort to article 226 of the Constitution.

2. The High Court Arrears Committee, 1972, has recommended that provision for appeal to the District Court from the decision of the Munsiff under the Kerala Panchayats Act should be made in order to avoid filing petty disputes in the High Court. It is proposed to amend the Kerala Panchayats Act, 1960, to provide for appeal to the District Judge from a decision of the Munsiff under section 22 or section 24 of the Act as recommended by the High Court Arrears Committee. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (9) of section 22 and sub-section (6) of section 24, proposed to be inserted by clauses 3 and 4 of the Bill, *inter alia* seek to empower the Government to make rules subject to which the district judge may dispose of appeals preferred under the said sections.

The above matter is of an administrative nature. The delegation of legislative power is, thus, of a normal character.

R. S. UNNI.

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GOVERNMENT OF KERALA

Revenue (F) Department

NOTIFICATION

G. O. Rt. No. 1761/80/RD. *Dated, Trivandrum, 4th December*, 1980.

S. R. O. No. 1183/80.—Whereas the seat of a member of the Kerala Wakf Board has become vacant consequent on the resignation of Shri U. A. Beeran, M. L. A., a member of the said Board;

Now, therefore, in exercise of the powers conferred by Section 11 of the Wakf Act, 1954 (Central Act 29 of 1954) read with section 19 thereof, Government of Kerala hereby appoint Shri A. V. Abdurahiman, M. L. A (Meppayur), Sangeeth Lodge, Kallai Road, Calicut-2 as a member of the Kerala Wakf Board in the place of Shri U.A. Beeran, M. L. A.

By order of the Governor,

A. T. Mohamedunny,
Joint Secretary to Government.

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33/4704/MC.

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1980

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GOVERNMENT OF KERALA

Agriculture (Forest Special) Department

No. 54787/FS2/80/AD. *Dated, Trivandrum, 25th November,* 1980.

S. R. O. No. 1184/80.—In exercise of the powers conferred by the Kerala Private Forest (Vesting & Assignment) Act, 1971 (Act 26 of 1971), the Government of Kerala hereby make the following further amendment to Notification No. 58625/FS1/73/AD dated the 22nd October, 1973 namely:—

AMENDMENT

In the said notification, for the entry "Shri P. Divakara Menon, formerly District Judge, Manjeri" in the first column against serial number 2, the following entry shall be substituted, namely:—

"Shri C. S. Ramanarayanan, District & Sessions Judge; formerly Sub Judge, Ottappalam". This notification shall be deemed to have came into force with effect on and from 11th August, 1980, the date on which Sri C. S. Ramanarayanan took charge as the Forest Tribunal, Palghat.

By order of the Governor,

K. V. VIDYADHARAN,
Special Secretary to Government.

93/4705/MC.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

Shri C. S. Ramanarayanan has been appointed as Forest Tribunal, Palghat vice Sri P. Divakara Menon, reverted to the judiciary. This formal notification is issued as required under the Kerala Private Forest (Vesting & Assignment) Act.

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GOVERNMENT OF KERALA

Taxes (B) Department

NOTIFICATION

G. O. MS. No. 100/80/TD. *Dated, Trivandrum, 5th December,* 1980.

S. R. O. No. 1185/80.—In exercise of the powers conferred by section 10 of the Kerala General Sales Tax Act, 1963 (15 of 1963), the Government of Kerala hereby make the following amendment to their notification I G. O. MS. No. 74/80/TD dated 29th September, 1980, published as S. R. O. No. 968/80 in Part I of the Gazette No. 42 dated 21st October, 1980, namely:—

AMENDMENT

In the said notification, the following shall be added at the end of the *Explanation,* namely:–

> "but shall not include old Industrial Units under the Small Scale Industries closed down and reopened under a new banner and style of business, after 1st April, 1979."

By order of the Governor,

N. KRISHNAN NAIR,
Special Secretary to Government.

33/4706/MC.

Explanatory Note

(This does not form part of the notification but is intended to indicate the general purport).

By notification No. I in G. O. MS. No. 74/80/TD dated 29-9-1980 Government have ordered exemption for a period of five years in respect of the tax payable under the Kerala General Salestax Act, 1963 on the turnover of the sale of goods produced and sold by the New Industrial Units set up after 1-4-1979 under the Small Scale Industries. It has come to the notice of the Government that some of the old Small Scale Industrial Units are being closed down and reopened under new name and style of business in order to claim the salestax concession granted to Small Scale Industrial Units set up after 1-4-1979 with a view to avoiding payment of salestax legitimately due. Government consider that in order to avoid this, the notification mentioned above should be amended suitably. This notification is intended to achieve the above object.

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